

Rapaport Law Firm

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February 26, 2025

Via ECF

Honorable Henry J. Ricardo
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: Colon and Aquino v. Yaaron LLC et al.
Case No. 23-cv-07127(HJR)**

Dear Judge Ricardo:

We represent Plaintiffs Rudy A. Colon (“Mr. Colon”) and Elvin Aquino (“Mr. Aquino”) in the above-referenced wage and hour matter.

Pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F. 3d 199 (2d Cir. 2015), the parties submitted a joint motion for approval of the parties’ settlement agreement (the “Agreement”) on October 30, 2024 (ECF No. 49). Subsequently, on October 31, 2024, on consent of the parties, this matter was referred to Your Honor for all purposes. (ECF No. 50) Plaintiffs write to request an expedited decision of the *Cheeks* application because Mr. Aquino is facing dire circumstances. Defendants’ counsel has informed our office that Defendants do not oppose this request.

Mr. Aquino entered into the Agreement with the anticipation of using his share of the settlement funds to avoid being evicted from his rent-stabilized apartment. At the time, he was already facing a summary nonpayment proceeding in the New York City Civil Court, New York County, Yaaron LLC, Petitioner, v. Elvis Aquino, Index No. LT-305746-23/NY (the “Eviction Case”). On or about September 15, 2024, the Civil Court entered a judgment of possession against Mr. Aquino. Since then, the Civil Court has repeatedly stayed the execution of the warrant of eviction, in part based on the expectation that Mr. Aquino’s share of the settlement proceeds in this case would enable him to satisfy all of his arrears to the landlord. Most recently, on February 14, 2025, the Civil Court entered a further stay of the eviction until March 31, 2025. Therefore, it is still possible for Mr. Aquino to use the proceeds from the Settlement to avoid being evicted. But this would require an Order by this Court approving the Settlement by March 14, 2025, because the Agreement provides Defendants 14 days from the date of *Cheeks* approval to remit the settlement funds. For these reasons, Plaintiffs respectfully request an expedited decision of the parties’ joint application to approve the Settlement.

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While Plaintiffs are extremely reluctant to make this request, we believe that Mr. Aquino's circumstances are truly urgent. He is indigent and, as was noted in the letter requesting approval of the Agreement (ECF No. 49), in ill health, having undergone open-heart surgery.

We appreciate the Court's attention to this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marc A. Rapaport", with a stylized flourish at the end.

Marc A. Rapaport

Cc: All counsel of record via ECF